

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
April 26, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Kimberly Schmidt, Justin Vangraefschepe and Vince Vidal.

MEMBERS ABSENT: John Roberts, Council Liaison

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Tim Behlings, Ted Johnson, Ted Peckosh, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

1. Approval of March 22, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Hoogestraat seconded and the Zoning Board of Adjustment unanimously approved the minutes from the March 22, 2018 Zoning Board of Adjustment Meeting. **(9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

2. No. 18VA004 - Granite Subdivision

A request by FMG Engineering for Nooney and Solay LLP to consider an application for a **Variance to reduce the minimum required front yard setback from 25 feet to 0 feet for an existing structure** for Lot 2 of Eastbrooke Subdivision located in Government Lot 3 of Section 6, T1N, R8E, BHM, and the SE1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 414 E. Omaha Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the applicant has previously submitted a Preliminary Subdivision Plan for future subdividing of the property that requires additional right-of-way for Racine Street. Lacock stated that the applicant has agreed to a Covenant Agreement with the City stating that should the right-of-way be needed in the future for Racine Street that the structure within the right-of-way will be removed leaving the remaining building with a zero foot setback. Lacock reviewed the revised language of approval, which states that should the structure be removed in its entirety or be damaged by 50 percent or more of its value a 25 foot setback will be required and stated that staff recommends that the Variance to reduce the minimum required front yard setback from 25 feet to 0 feet for an existing structure be approved with the stipulation.

In response from a question from Herr why the road is not moved to the east, Fisher clarified that half the additional right-of-way is required from both of the adjacent property owners upon platting. Requiring that all of the right-of-way be dedicated from the property to the west requires that it be purchased. Fisher

explained that the City has allowed structures to remain until the right-of-way is needed on other similar properties.

Bulman stated that she feels this is a reasonable request and moved to approve on the basis that the intent of the zoning ordinance will not be injurious to the neighborhood or detrimental to the public welfare.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the Variance to reduce the front yard setback from 25 feet to 0 feet be approved for the existing structure. A minimum 25 foot front yard setback shall be provided for any new development or redevelopment of the property. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefscshepe voting yes and none voting no)**

3. Discussion Items  
None

4. Staff Items  
None

5. Zoning Board of Adjustment Items  
None

**There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:12 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefscshepe voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 26, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and Vince Vidal.

MEMBERS ABSENT: John Roberts, Council Liaison

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Tim Behlings, Ted Johnson, Todd Peckosh, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:12 a.m.

**Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Motion by Hoogestraat seconded by Huus and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the April 5, 2018 Planning Commission Meeting Minutes.
2. No. 18AN002 - Section 24, T1N, R7E  
A request by Bill Freytag for Citcra LLC to consider an application for a **Petition for Annexation** for the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located 150 feet west of Brooke Street, at the eastern terminus of Nicole Street.

**Planning Commission recommended that the Petition for Annexation be approved.**

3. No. 18RZ012 - Section 24, T1N, R7E  
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agricultural District** for the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located 150 feet west of Brooke Street, at the eastern terminus of Nicole Street.

**Planning Commission recommended that the requested rezone from No Use District to General Agricultural District in conjunction with the associated Annexation Petition (18AN002) be approved.**

4. No. 18AN003 - Elks Crossing

A request by KTM Design Solutions, Inc for Dennis Zandstra Real Estate Holdings to consider an application for a **Petition of Annexation** for the N1/2 of the NW1/4 of the NW1/4 and the S1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of said Section 21 and being the point of beginning: THENCE with the north line of said Section 21, (1) South 89°55'20" East, 1322.90 feet to the northeast corner of the N1/2NW1/4NW1/4 of said Section 21; THENCE with the east line of the N1/2NW1/4NW1/4, (2) South 00°03'09" West, 330.24 feet to the northwest corner of the S1/2N1/2NE1/4NW1/4; THENCE with the north line of the S1/2N1/2NE1/4NW1/4, (3) South 89°53'53" East, 1323.14 feet to the northeast corner of the S1/2N1/2NE1/4NW1/4; THENCE with the east line of the S1/2N1/2NE1/4NW1/4, (4) South 00°00'43" West, 330.75 feet to the southeast corner of the S1/2N1/2NE1/4NW1/4; THENCE with the south line of the S1/2N1/2NE1/4NW1/4, (5) North 89°52'33" West, 1323.37 feet to the southwest corner of the S1/2N1/2NE1/4NW1/4; THENCE with the south line of the N1/2NW1/4NW1/4, (6) North 89°52'33" West, 1323.41 feet to the southwest corner of the N1/2NW1/4NW1/4; THENCE with the west line of the N1/2NW1/4NW1/4, (7) North 00°05'46" East, 659.41 feet to the point of beginning, more generally described as being located south of E. Minnesota Street.

**Planning Commission recommended that the Petition for Annexation be approved.**

5. No. 18RZ013 - Elks Crossing

A request by KTM Design Solutions, Inc for Dennis Zandstra Real Estate Holdings to consider an application for a **Rezoning from No Use District to Low Density Residential District II** for the N1/2 of the NW1/4 of the NW1/4 and the S1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of said Section 21 and being the point of beginning: THENCE with the north line of said Section 21, (1) South 89°55'20" East, 1322.90 feet to the northeast corner of the N1/2NW1/4NW1/4 of said Section 21; THENCE with the east line of the N1/2NW1/4NW1/4, (2) South 00°03'09" West, 330.24 feet to the northwest corner of the S1/2N1/2NE1/4NW1/4; THENCE with the north line of the S1/2N1/2NE1/4NW1/4, (3) South 89°53'53" East, 1323.14 feet to the northeast corner of the S1/2N1/2NE1/4NW1/4; THENCE with the east line of the S1/2N1/2NE1/4NW1/4, (4) South 00°00'43" West, 330.75 feet to the southeast corner of the S1/2N1/2NE1/4NW1/4; THENCE with the south line of the S1/2N1/2NE1/4NW1/4, (5) North 89°52'33" West, 1323.37 feet to the southwest corner of the S1/2N1/2NE1/4NW1/4; THENCE with the south line of the N1/2NW1/4NW1/4, (6) North 89°52'33" West, 1323.41 feet to the southwest corner of the N1/2NW1/4NW1/4; THENCE with the west line of the N1/2NW1/4NW1/4, (7) North 00°05'46" East, 659.41 feet to the point of beginning, more generally described as being located south of E. Minnesota

Street.

**Planning Commission recommended that the rezoning request in conjunction with the approval of the petition for annexation (18AN003) be approved.**

6. No. 18RZ014 - Elks Crossing

A request by KTM Design Solutions, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for in the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, B.H.M. Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwest corner of the N1/2N1/2NE1/4NW1/4 of said Section 21 and being the point of beginning, from which the northwest corner of said Section 21 lies North 89°55'20" West, 1322.90 feet: THENCE with the north line of said Section 21, (1) South 89°55'20" East, 427.11 feet to a point on the southerly right of way of East Minnesota Street; THENCE continuing with the north line of said Section 21, (2) South 89°55'08" East, 895.79 feet to the northeast corner of the N1/2N1/2NE1/4NW1/4; THENCE with the east line of the N1/2N1/2NE1/4NW1/4, (3) South 00°00'43" West, 330.75 feet to the southeast corner of the N1/2N1/2NE1/4NW1/4; THENCE with the south line of the N1/2N1/2NE1/4NW1/4, (4) North 89°53'53" West, 1323.14 feet to the southwest corner of the N1/2N1/2NE1/4NW1/4; THENCE with the west line of the N1/2N1/2NE1/4NW1/4, (5) North 00°03'09" East, 330.24 feet to the point of beginning, more generally described as being located south of E. Minnesota Street.

**Planning Commission recommended that the Request to rezone property from General Agricultural District to Low Density Residential District II be approved.**

7. No. 18PL023 - Elks Crossing

A request by KTM Design Solutions, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 26 thru 49 of Block 10, Lots 7 thru 24 of Block 11, Lots 1 thru 6 of Block 13, Lots 1 thru 7 of Block 14, Lots 1 thru 7 of Block 15 and Lots 1 thru 3 of Block 16 and dedicated right-of-way of Elks Crossing, legally described as the N1/2 of the N1/2 of the NW1/4 of the NE1/4, Less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 Less H3R of Section 21, T1N, R8E and the NW1/4 Less the N1/2 of the N1/2 of the NE1/4 of the NW1/4; the W1/2 of the NE1/4 Less the N1/2 of the N1/2 of the NW1/4 of the NE1/4; the W1/2 of the SW1/4 Less right-of-way of Section 21, T1N, R8E, B.H.M. Rapid City, Pennington County, South Dakota,, more generally described as being located south of E. Minnesota Street.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline**

comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;

2. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual
3. Upon submittal of a Development Engineering Plan application, construction plans for Minnesota Street shall be submitted for review and approval showing the construction of ten additional feet of pavement and a second water main or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for Pahlmeyer Drive shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application
5. Upon submittal of a Development Engineering Plan application, construction plans for Duckhorn Street shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way with ten additional feet of right-of-way the first 200 feet as the street extends south from Minnesota Street and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application
6. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac A shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb(s) shall be located in a minimum 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;

7. Upon submittal of a Development Engineering Plan application, construction plans for Street B and C shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
8. Upon submittal of a Development Engineering Plan application, construction plans for the Section Line Highway shall be submitted for review and approval showing the Section Line Highway located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
9. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;
10. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the downstream sanitary sewer capacity and the Jolly Lane Lift Station pumping capacity is adequate to meet estimated flows and provide sufficient system capacity;
11. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;
12. Upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;
13. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;

14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
15. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase;
16. Prior to submittal of a Final Plat application, that portion of the property located outside of the City limits shall be annexed;
17. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District and No Use District to Low Density Residential II District as proposed in order to support the proposed residential development;
18. Prior to submittal of a Final Plat application, the plat title shall read "Elks Crossing" in lieu of "Elks Crossing Subdivision";
19. Prior to submittal of a Final Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street names shall be shown on the plat document;
20. Upon submittal of a Final Plat application, the plat document shall show the existing stormwater facility as a drainage lot. In addition, approved documentation securing ownership and maintenance of the proposed drainage elements shall be submitted for recording;
21. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
22. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

8. No. 18PL022 - East Haines Subdivision

A request by KTM Design Solutions, Inc for MDD LLC to consider an application for a **Preliminary Subdivision** for proposed Lot 1 of East Haines Subdivision, legally described as the S1/2 of the SE1/4 Less McMahon Industrial Park #2 and right-of-way located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Haines Avenue, adjacent to Kathryn Avenue.

**Planning Commission recommended that the Preliminary Subdivision be approved with the following stipulations:**

1. Upon submittal of a Development Engineering Plan application, construction plans for Haines Avenue shall be submitted for review and approval showing the dedication of 4 additional feet of right-of-way and the construction of sewer, sidewalk and a second water main or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Prior to approval of the Development Engineering Plan application,



submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual

3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easement(s) shall be dedicated as needed;
4. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, utility easement(s) shall be dedicated as needed;
5. Upon submittal of a Development Engineering Plan application, proposed sewer service to the unplatted balance of the property located east of the proposed lot shall be addressed. In particular, the applicant shall identify if a public sewer main is proposed to be extended through proposed Lot 1 in order to provide gravity sewer service to this area. In addition, a complete Engineer's analysis of the sanitary sewer basin, sewer master plan and proposed public sewer layout as needed to ensure gravity service to all adjacent and surrounding parcels shall be submitted for review and approval. Utility easement(s) shall be dedicated as needed;
6. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity and pavement design for any required subdivision improvements shall be submitted for review and approval as needed;
7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be dedicated as needed;
8. Upon submittal of the Development Engineering Plan application, an

**Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;**

- 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
- 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 11. Prior to submittal of a Final Plat application, the plat document shall show a non-access along Haines Avenue with the exception of a 60 foot wide opening that aligns with Kathryn Avenue located on the west side of Haines Avenue;**
- 12. Prior to submittal of a Final Plat application, the plat document shall show the existing easement and/or proposed easement for the overhead power line located along the north property line. If the easement is existing, then the plat document shall show the recording information for the existing easement;**
- 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

**\*9. No. 18PD006 - Gemstone Subdivision**

A request by Scott and Laura Schirber to consider an application for a **Major Amendment to a Planned Development to allow a 6 feet fence 4 feet from property line in second front yard** for Lot 7 of Block 1 of Gemstone Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 323 E. Enchanted Pines Drive.

Lacock reviewed the application noting this item had been continued at the April 5, 2018 Planning Commission meeting to allow the applicant time to prepare revised plans. Lacock noted that the applicant had submitted revised sight plans showing the removal of the fence from the sight triangle by moving it 18 feet to the east and 14 feet to the west. Lacock noted that there is an open Code Violation on this property due to the current fence height and that if the revised plans are approved the case can be closed. Lacock stated that staff recommends that the Major Amendment to a Planned Development to allow a 6

foot high fence 4 feet from property line in the second front yard be approved with the stipulations outlined in the Project Report.

In response to a question from Bulman regarding what qualifies as a front yard, Lacock clarified that the section along Topaz is identified as the second front yard. Bulman stated that she feels that the fence should be lowered or moved back.

In response to Bulman's statement that she had not been in attendance at the April 5, 2018 Planning Commission meeting, Hoogestraat briefly reviewed and stated that the Planning Commission had directed the applicant to provide revised plans addressing the correction to the sight triangle issues and the set back issues. Hoogestraat further stated that he feels that the applicant has provided what was requested.

Discussion followed.

In response to a comment from Caesar regarding the neighbor's issue with the fence, Scott Schirber, property owner, responded that this particular neighbor would like the entire fence to be removed.

Vangraefschepe stated that he feels that the applicant has made a good faith effort to address the structural issues of the fence as they relate to the sight triangles.

Discussion followed regarding the aesthetics of the fence.

**Galen moved to approve as submitted, Vangraefschepe seconded. Motion failed 8 to 2.**

Fisher clarified that the Planning Commission could deny the application and the applicant would then have to make the corrections to bring the fence in to compliance. Fisher further clarified that no fence is allowed within a sight triangle.

Further discussion followed.

In response a question from Schirber, Fisher confirmed that yes, should the fence be moved back 10 feet it could remain 6 feet high and that they would have to work with Code Enforcement to determine how long they have to make the corrections.

**Bulman moved, Herr seconded and the Planning Commission denied the Major Amendment to a Planned Development to allow a 6 foot fence, 4 feet from property line in second front yard. (8 to 1 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus and Quasney voting yes and Vangraefschepe voting no)**

***The Rapid City Planning Commission's action on this item is final unless***

***any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.***

\*10. No. 18PD013 - Feigels Addition

A request by FMG Engineering for MK Land LLC to consider an application for a **Major Amendment to a Planned Development to expand an auto body repair shop** for legally described as Lots 1 thru 28 and adjacent vacated alley of Block 14 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 350 N. La Crosse Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the property is bounded by streets on all sides creating a unique situation for the property. Lacock stated that the applicant is requesting to expand both the building and the parking area on the property. They are requesting four Exceptions. The first Exception is to allow 40% of the required landscape points to be located in the right-of-way in lieu of the maximum allowed 25%. Lacock stated that staff recommends the Exception be granted as the proposed landscaping provides a buffer and the applicant must coordinate with the City's Urban Forester. The second Exception request is to waive the requirement to provide one landscaped parking island. Lacock stated staff recommends the Exception be denied, citing that the required landscaping island is needed to break up an expanse of asphalt parking. The third Exception is to allow a 6 foot high fence on the property lines adjacent to East Philadelphia Street and Pine Street as long as the sight triangles at the intersections are continually maintained. Lacock stated that staff recommends the Exception be granted noting that the fence location was previously approved and the application is proposing to reconstruct the fence. The fourth Exception is to allow a retaining wall with a height no greater than 6 feet along East New York Street. Lacock stated that staff recommends the Exception be granted as the retaining wall does not interfere with sight triangles and will be holding back soil for the parking lot expansion. Lacock stated that staff recommends approval of the Major Amendment to a Planned Development to expand an auto body repair shop with stipulations outlined in the Project Report.

In response to a question from Bulman, Lacock confirmed that the no-climb barrier at the top of the six foot fence is allowed in General Commercial District as long as it is six feet above ground level.

In response to a question from Huus regarding the landscaped island location, Foster stated that it was not known yet where it would be placed but the owner is willing to place the aisle as needed.

In response to questions from Braun, Foster reviewed the drainage on the property noting that there will be storm quality onsite, but the detention is offsite.

**Huus moved, Quasney seconded and the Planning Commission approved**

**the Major Amendment to a Planned Development Overlay to expand an auto body repair shop with the following stipulations:**

- 1. An Exception to waive the requirement to provide one landscaped parking island is hereby denied;**
- 2. An Exception to allow 40% of the required landscape points to be located in the right-of-way in lieu of the maximum allowed 25% is hereby granted;**
- 3. An Exception to allow a 6 foot high fence on the property lines adjacent to East Philadelphia Street and Pine Street is hereby granted. The sight triangles at the intersections shall continually be maintained;**
- 4. An Exception to allow a retaining wall with a height no greater than 6 feet along East New York Street is hereby granted;**
- 5. Upon submittal of a Building Permit, the applicant shall coordinate with the Rapid City Urban Forester to determine the species of trees appropriate to be located in the right-of-way;**
- 6. Upon submittal of a Building Permit, the plans shall be revised to address red-lined comments;**
- 7. Prior to issuance of a Building Permit, any outstanding Building Permits shall be completed;**
- 8. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to a Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 9. The Major Amendment to a Planned Development shall allow an expansion to an auto body repair shop. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.***

11. No. 18OA011 - Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code  
A request by City of Rapid City to consider an application for an **Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code.**

Fisher stated that staff will be discussing this item at the Coffee with Planners

meeting on May 2, 2018. Fisher subsequently requested that the item be continued to the July 5, 2018 Planning Commission meeting to allow additional time to review and revise the Ordinance Amendment if needed.

**Bulman moved, Hoogestraat seconded and the Planning Commission continued the Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code to the May 24, 2018 Planning Commission meeting. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

12. No. 18OA012 - Ordinance Amendment to Adopt Regulations Concerning Mobile Food Vendors by Adopting Provision in Title 17 of the Rapid City Municipal Code  
A request by City of Rapid City to consider an application for an **Ordinance Amendment to Adopt Regulations Concerning Mobile Food Vendors by Adopting Provision in Title 17 of the Rapid City Municipal Code.**

Cushman stated that the ordinance amendment is to address the regulation of Mobile Food Vendors in the Zoning Code which currently is not addressed. Cushman stated it is a minimal amendment to ensure the vendors are not blocking sidewalks or streets and to define where they can operate such as commercial and industrial parcels as well as the city parks, which was addressed in a separate ordinance. Cushman stated that it was decided not to inspect or license Mobile Food Vendors as it would be duplicative since inspections and licensing are already required by the State.

In response to a question from Quasney, Cushman confirmed that Special Event in the street would be permitted through the Parks or Police Department which would allow the vendors access but still have a form of review.

**Gollither moved, Caesar seconded and the Planning Commission recommended that the Ordinance Amendment to Adopt Regulations Concerning Mobile Food Vendors by Adopting Provision in Title 17 of the Rapid City Municipal Code be approved. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

13. Discussion Items

Fisher reminded the Planning Commissions that there will be a Coffee with Planners meeting on Wednesday, May 2, 2018 in the Council Chambers and that she hopes they will attend.

Ted Johnson introduced Todd Peckosh who will be attending the Planning Commission in his new position as Lead Planning Engineer.

14. Staff Items

A. An Ordinance to Amend Provisions Concerning The Planning Commission by Amending Chapter 2.60 of the Rapid City Municipal Code

Cushman briefly reviewed the changes to Section 2.60 of the Rapid City Municipal Code with the major change being the reference to the requirement of ward representation. Cushman stated that this language has limited the appointment of Commissioners. The language has been revised to state that it be a goal to have ward representation, but does not require the representation from wards. Cushman further clarified that the other revisions were to remove duplications of State Law requirements.

15. Planning Commission Items

In response to a question from Herr regarding Wild Fire Protection, Behlings noted that the regulations were never approved but are used as an advisory provision.

**There being no further business, Bulman moved, Huus seconded and unanimously carried to adjourn the meeting at 8:14 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschep voting yes and none voting no)**